

We have highlighted in red important references to zoning

8.13 GROWTH MANAGEMENT

Document
Submitted 12/07/09
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GROWTH NEUTRAL

Following sewer installations and depending on the community, growth may be a concern. This growth may be attributed to the removal of the current growth limitations that on-site systems may have provided. Currently, site restrictions associated with Title 5 septic systems often limit the number of bedrooms allowed for a property. Because the Town of Chatham is interested in preserving its existing community essence, the Town has adopted a growth-neutral regulation as part of its Rules and Regulations of the Sewer Department.

Article 2 of the regulation provides a means of minimizing growth associated with sewerage by identifying that a property can be developed (i.e. number of bedrooms) to the extent originally allowed under Title 5 and Board of Health regulations. However, the allocation of flow to a particular property is not recommended.

The management of growth should be done through zoning and not wastewater flow allocation. The allocation of wastewater flow to a property creates another level of accounting, adds burden to Town staff to manage and address challenges to any allocation, and can create other regulatory issues. The Town is currently constrained by an ACO and, therefore, has "allocated" flow through a sewer bank to manage additional connections to the Town's existing system. Once the CWMP is complete and approved the sewer bank will be dissolved and Article 2 will take its place. This Article in effect states that a property can be developed (i.e. have the flow equivalent of a certain number of bedrooms) to the extent allowable under current Board of Health and Title 5 regulations, but stops short of physically assigning a flow value to the property. Board of Health and Title 5 regulations change and the Town through this system is allowing the flexibility to adapt in the future and issue variances as needed to manage special needs.

MODIFIED ZONING

In addition, zoning modification can also be used to limit growth in other areas to prevent future nitrogen discharges into sensitive embayments.

These zoning modifications could include increasing the allowable minimum lot sizes and establishing restrictions on building sizes and uses.

The Town is actively reviewing its current zoning bylaws and is currently preparing a zoning rewrite.

The adoption of a District of Critical Planning Concern (DCPC), under the CCC Act is another management option. Towns have the ability to create a DCPC for nitrogen sensitive embayments. The DCPC designation allows a town to adopt new regulations to preserve natural features or promote specific development in a particular area. According to the CCC Act, "the Commission may propose the designation of certain areas which are of critical value to Barnstable County as districts of critical planning concern that must be preserved and maintained due to one or more of the following factors:

1. The presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of regional, state-wide or national significance.

2. The presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or

3. The presence or proposed establishment of a major capital public facility or area of public investment.

Once a DCPC is proposed, it requires the County Assembly of Delegates to hold a public meeting on the proposal and then either approve or return the proposal to the CCC for further study and redrafting.

DCPC nominations can be made by the CCC, County Commissioners, Assembly of Delegates, or various Town officials.

The Town should consider these zoning and planning tools to prevent increased growth.

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